

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
NINA SCHERR,

Plaintiff,

-against-

SPECTRUM SCIENCE COMMUNICATIONS,  
INC. and MICHELLE STRIER,

Defendants.

ANALISA TORRES, United States District Judge:

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20 Civ. 4422 (AT)

**ORDER**

On September 21, 2020, the Court set a briefing schedule for Defendants' proposed motion to dismiss. ECF No. 27. Pursuant to that order, Defendants filed their motion to dismiss on October 26, 2020 (the "Motion to Dismiss"). ECF No. 31. On November 16, 2020, the Court granted the parties' request for an extension of time to respond to the Motion to Dismiss, setting the new deadlines of January 4, 2021, for Plaintiff's opposition to the Motion to Dismiss, and January 25, 2021, for Defendants' reply. ECF No. 34. Neither Plaintiff's opposition nor Defendants' reply has been filed on the docket.

Accordingly, by **February 2, 2021**, the parties shall submit a letter to the Court indicating their intentions regarding the Motion to Dismiss. Plaintiff is reminded that under Rule 41(b) of the Federal Rules of Civil Procedure, an action may be dismissed "[i]f the plaintiff fails to prosecute or to comply with [the federal rules] or a court order." "Rule 41(b) gives the district court authority to dismiss a plaintiff's case *sua sponte* for failure to prosecute." *Davis v. Town of Hempstead*, 597 F. App'x 31, 32 (2d Cir. 2015) (internal quotation marks omitted).

SO ORDERED.

Dated: January 26, 2021  
New York, New York



ANALISA TORRES  
United States District Judge